



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

San Francisco Bay Regional Water Quality Control Board

May 8, 2013
CWIQS Place ID: 717473 (HTK)

Cargill, Incorporated
Attn: Mr. Sean Riley, Environmental Manager
7220 Central Avenue
Newark, CA 94560
Email: Sean_D_Riley@cargill.com

Subject: Cargill Salt Ponds 10 and 13, Newark, Alameda County – Requirement for Technical Report on Onsite Solid-Phase Bittern Salt Management and Contingency Plan

Dear Mr. Riley:

This letter requires Cargill, Inc. (Cargill) to submit a technical report on the solid-phase bittern salt (Bittern Salt) and the pond areas in which it is placed. We require more information about the harvesting, stockpiling, and management practices associated with this byproduct of salt harvesting to make a determination as to whether it poses a threat to beneficial uses of waters of the State.

Cargill is required to submit a report containing the following information by June 30, 2013:

- When did Cargill begin stockpiling Bittern Salt at Pond 10 and at Pond 13 (Figures 1 and 2, Attachment A) at the Newark Plant?
- What is the chemical composition of the Bittern Salt located in Ponds 10 and 13?
- What is the total quantity of Bittern Salt (liquid and solid) that Cargill generates each year from salt harvesting at the Redwood City and Newark Plants? Since Cargill does not stockpile all of the Bittern Salt it generates, how much Bittern Salt generated each year is sold and how much is stockpiled (provide an annual accounting from 2005 to present)?
- Based on the above information, what are the projected accumulation rates of Bittern Salt in Pond 10 and in Pond 13 and when will these ponds reach capacity (i.e., Bittern Salt stockpiled to the height of the surrounding levees or available bittern ponds)?
- Bittern Salt is a byproduct of current salt-harvesting operations that is being stockpiled, at least in part, for a future potential use. Currently, there are neither the market conditions nor the identified uses for Bittern Salt to eliminate existing stockpiles. With this in mind, at what point (i.e., at what stockpile limit and/or timeframe) will Cargill consider an alternative management strategy to address the Bittern Salt stockpiles? What is Cargill's

JOHN MULLER, CHAIR | BRUCE H. WOLFE, EXECUTIVE OFFICER

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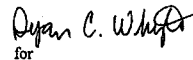
contingency plan to manage or dispose of Bittern Salt if the stockpiling continues? What is Cargill's plan if and when Bittern storage is at capacity?

- What are the best management practices Cargill is implementing at Ponds 10 and 13 to protect beneficial uses of waters of the State? Does Cargill have a waste management plan for byproducts from its salt harvesting operations, including Bittern Salt? Are there plans to develop or improve either, or both, of the above?

This requirement for a report is made pursuant to Water Code section 13267, which allows the Water Board to require technical or monitoring program reports from any person who has discharged, discharges, proposes to discharge, or is suspected of discharging waste that could affect water quality. Attachment B provides additional information about section 13267 requirements. Failure to comply with this order may subject Cargill to administrative civil liability up to \$1,000 for each day of violation, pursuant to Water Code section 13268. Any extension in the above deadline must be confirmed in writing by Water Board staff.

If you have any questions, please contact Brian Wines of my staff at (510) 622-2371 or email at bwines@waterboards.ca.gov.

Sincerely,


for

Dyan C. Whyte
Assistance Executive Officer

Attachments:

- Attachment A: Figures 1 and 2 – Photographs of Pond 13 and 10 at Cargill Inc.'s Newark Facility
- Attachment B: Fact sheet

cc: Shin-Roei Lee, Regional Water Board
Habte Kifle, Regional Water Board
Andree Breaux Greenberg, Regional Water Board

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Attachment A

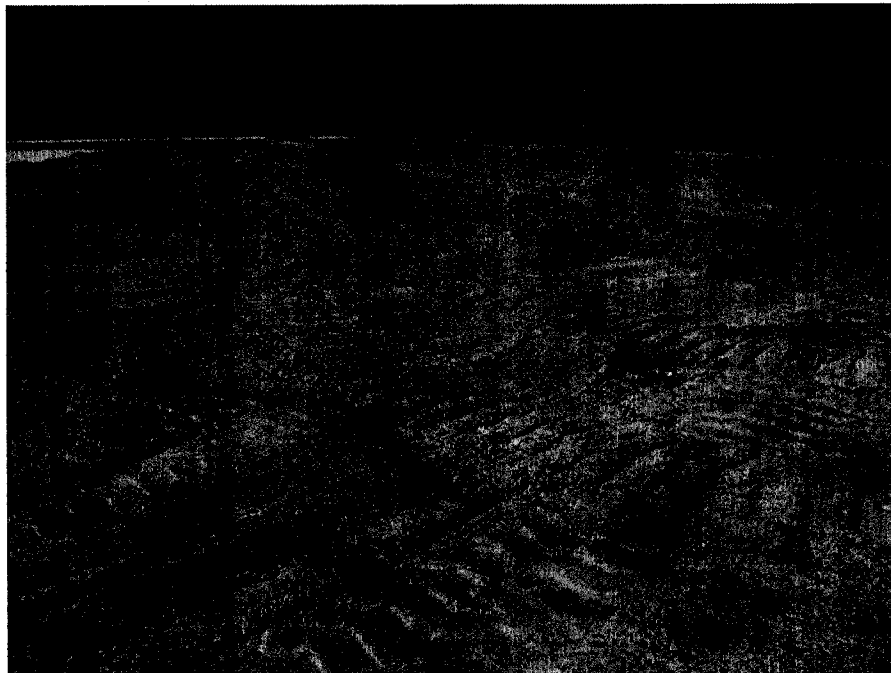


Figure 1: Newly transported bittern salt from Crystallizer Pond 4 at the Redwood City Plant to bittern Pond 10 at the Newark Plant (Photograph taken by Regional Water Board staff on October 1, 2012)

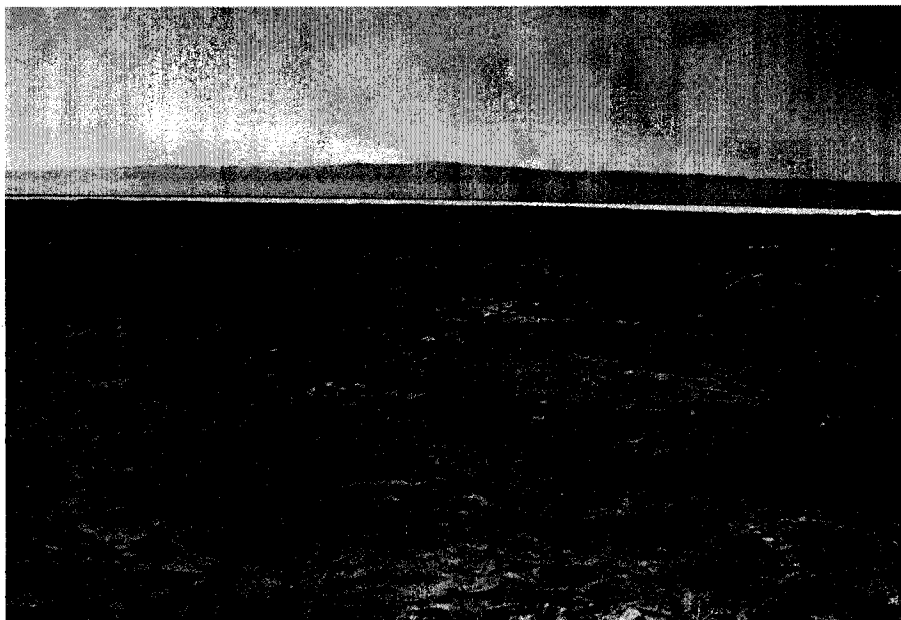


Figure 2: Over 700 acres of graded bittern salt-stockpile at Salt Pond 13 at the Newark Plant (Photograph taken by Regional Water Board staff on October 1, 2012)

Attachment B

Fact Sheet